IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DIANA WHITEHEAD, VERNON RAY WHITEHEAD, SR., KARLAN LEA JORGENSEN and JENNIFER LYNN HUGHES, as Next Friend of H.H., a Minor,	§ § § § §	
Plaintiffs,	§ §	**CIVIL ACTION NO. 1:11-CV-107-TH JURY**
v.	§ §	
ROBERT ARNOLD and THE CITY OF ORANGE, TEXAS,	§ § §	
Defendants.	§	

ORDER APPROVING SETTLEMENT AND DISMISSING CASE

The above captioned case was called, and came the parties in person and by and through their attorneys, and the Court, having appointed **C. ALLEN PARKER** as Attorney Ad Litem to represent the interests of the minor child, **H.H.**, and a jury having been by all parties expressly waived, and after considering the pleadings, evidence and arguments of counsel, and the statements and representations of the witnesses and the Attorney Ad Litem, the Court is of the opinion and finds that the liability of the Defendants and damages of the Plaintiffs are uncertain and disputed; the Plaintiffs, **DIANA WHITEHEAD**, **VERNON RAY WHITEHEAD, SR.**, **JENNIFER LYNN HUGHES, AS NEXT FRIEND OF H.H., A MINOR** and **KARLAN LEA JORGENSEN**, as well as the Attorney Ad Litem, were fully informed with respect to the issues of liability, the disputed nature of the causes of action, and the nature and extent of the damages claimed; and that the parties hereto have agreed to compromise and settle such causes of action for the consideration set forth and apportioned as follows:

The total amount to be paid by and/or on behalf of the Defendant is the sum of **SIX HUNDRED TEN THOUSAND AND NO/100 DOLLARS (610,000.00)**, divided amongst the Plaintiffs as follows:

The sum of **TWO HUNDRED TWENTY THOUSAND AND NO/100 DOLLARS ($220,000.00)** is to fund future periodic payments to **HEAVENLEIGH HUGHES**, (Payee), now a minor, and which sum is to be free and clear of all expenses, attorneys' fees and charges accruing from said above-described accident. The periodic payments to HeavenLeigh Hughes (Payee) shall be made according to the Schedule of Payments as follows:

Beginning 10/17/2024, $1,025.00 per month for 12 years certain only (144 guaranteed payments)

Beginning 07/01/2025, $9,000.00 semi-annually for 5 years certain only (10 guaranteed payments)

$45,000.00 guaranteed lump sum payable on 10/17/2031

$65,000.00 guaranteed lump sum payable on 10/17/2036

$90,000.00 guaranteed lump sum payable on 10/17/2041

Additionally, the obligation to make the periodic payments described herein may be assigned to BHG Structured Settlements, Inc. and funded by an annuity contract issued by Berkshire Hathaway Life Insurance Company of Nebraska.

The sum of **NINETY-ONE THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS ($91,500.00)** is to be paid to **DIANA WHITEHEAD** and her attorneys, Clay Dugas & Associates, in compromise and settlement of all the claims, including but not limited to attorney's fees, costs and expenses arising from the incident made the basis of the above entitled numbered cause of action;

The sum of **NINETY-ONE THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS ($91,500.00)** is to be paid to **VERNON RAY WHITEHEAD, SR.** and his attorneys, Dies & Parkhurst, in compromise and settlement of all the claims, including but not limited to attorney's fees, costs and expenses arising from the incident made the basis of the above entitled numbered cause of action;

The sum of **SIXTY-ONE THOUSAND AND NO/100 DOLLARS ($61,000.00)** is to be paid to **KARLAN LEA JORGENSEN** and her attorneys, The Law Office of Kevin Laine & Attorney at Law Christine Brown-Zeo, in compromise and settlement of all the claims, including but not limited to attorney's fees, costs and expenses arising from the incident made the basis of the above entitled numbered cause of action;

The sum of **ONE HUNDRED FORTY-SIX THOUSAND AND NO/100 DOLLARS ($146,000.00)** is to be paid to **JENNIFER LYNN HUGHES A/N/F OF H.H. A MINOR**, and her attorneys, Weller Green Toups & Terrell, L.L.P., for the use and benefit of the minor HeavenLeigh Hughes, in compromise and settlement of all claims, including but not limited to attorney's fees, costs and expenses arising from the incident made the basis of the above entitled numbered cause of action; and

The Court is of the opinion that the agreement to compromise and settle all claims, demands, and causes of action herein involved is reasonable, fair and just, and the same is hereby in all things **APPROVED**. The Court further expressly finds the settlement of the claims, demands and causes of action herein of **HEAVENLEIGH HUGHES, A Minor**, is reasonable, fair and just and **APPROVED** by this Court.

The Court further **ORDERS** upon the payment of the above described sums by and/or on behalf of Defendant, **CITY OF ORANGE**, that the **FINAL JUDGMENT** be entered in the above-entitled and numbered cause dismissing with prejudice the rights of Plaintiffs to re-file same or any part thereof.

It is further **ORDERED** that all taxable costs of Court be, and are hereby, assessed against the party incurring same.

It is further **ORDERED** the Defendant, **CITY OF ORANGE**, is ordered to pay to **C. ALLEN PARKER**, designated the Attorney Ad Litem in the above-entitled and numbered cause, the sum of TEN THOUSAND AND NO/100 DOLLARS ($10,000.00) in compensation for fees and expenses incurred by said Attorney Ad Litem for services rendered in the above-entitled and numbered cause.

SO ORDERED.

SIGNED this the **7** day of **November, 2012.**

Thad Heartfield
United States District Judge